

# HB5571



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5571

by Rep. Kathleen A. Ryg

#### SYNOPSIS AS INTRODUCED:

30 ILCS 500/30-36 new

Amends the Illinois Procurement Code. Requires that each Department of Transportation construction contract specify a construction completion date and a monetary penalty against the contractor for each day completion is delayed for a cause attributable to the contractor or a subcontractor. Grants a business that suffers economic losses due to the delay the right to recover those losses from the contractor in the circuit court, up to the contract's penalty amount.

LRB095 18152 JAM 44235 b

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by  
5 adding Section 30-36 as follows:

6 (30 ILCS 500/30-36 new)

7 Sec. 30-36. Construction delays. Each contract subject to  
8 this Article awarded after the effective date of this  
9 amendatory Act of the 95th General Assembly for which the  
10 Department of Transportation is the construction agency shall  
11 specify a construction completion date and shall include as a  
12 condition of the contract a monetary penalty for each day after  
13 that date that the construction is not completed for a cause  
14 attributable to the contractor or any of its subcontractors.  
15 The amount of the monetary penalty shall be determined from  
16 criteria established by rule of the Department.

17 A business that suffers economic losses because  
18 construction pursuant to a contract subject to this Section is  
19 not completed by the contract's specified construction  
20 completion date due to a cause attributable to the contractor  
21 or any of the contractor's subcontractors may recover those  
22 economic losses in the circuit court from that contractor in an  
23 amount not to exceed the monetary penalty specified in the

1 contract in accordance with this Section.

2 Nothing in this Section replaces or limits any other remedy  
3 for economic losses that a business may have against any party  
4 to a contract subject to this Article.